

### REMARKS

Claim 1 has been amended to delete reference to the first and second longitudinally-extending portions. New Claim 41, which depends from Claim 1 and includes the language deleted from Claim 1, has been added. The statement in the Action that Claim 1, prior to being amended herein, is not generic because it requires the spacer to have both first and second side portions to be inclined at an angle is incorrect. On the contrary, previously presented Claim 1 and now Claim 41 call for first and second longitudinally-extending portions inclined at an angle relative to each other and do not include reference to a side portion. Hence, previously presented Claim 1 and now Claim 41 are generic with respect to at least the species of FIGS. 9-11, which as noted on Page 7, lines 17-18 of the specification include a central portion 97 and at least one side portion 98.

Claims 2, 4, 6 and 8 have been amended to depend from new Claim 41.

Claims 1-4, 11-17 and 28 have been rejected under 35 U.S.C. §102(b) as being anticipated by Richer '160 (U.S. Patent No. 2,827,160). Claims 25, 26, 28, 39 and 40 have been similarly rejected as being rejected by Nathanson (U.S. Patent No. 3,528,590). Claim 1-5, 11-17, 37 and 38 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Richer '460 (U.S. Patent No. 3,057,460). Claims 29 and 30 have been similarly rejected as being unpatentable over Richer '160 as applied to Claims 1-4, 11-17, 37 and 38 above, and further in view of Nathanson, and Claims 29 and 30 have been similarly rejected over Nathanson as applied to Claims 25, 26, 28, 39 and 40 above, and further in view of Daitch (U.S. Patent No. 3,373,878).

Richer '160 discloses the combination of a garment container and suspension means. The suspension unit consists of a one-piece blank of elongated shape as shown in Fig. 5. Col. 2, lines 22-24. The central rib portions 14 are folded one against the other along the common central crease line 11 to define a rib the two layers of which may be stapled or taped together although, the slit 8, 9 in the roof 4 is generally sufficient to hold them together. Col. 2, lines 44-48. The center portions 14 of the suspension unit are provided with a plurality of spaced holes 21 and/or slots 22 adapted to register with each other when said portions 14 are folded one against the other, for receiving the hook of a garment hanger A as shown in Fig. 3. Col. 2, line 72 through Col. 3, line 4.

Richer '460 discloses a suspension bar of garment boxes. FIGURES 1, 6 and 7 show a blank 30 in which the central sections are folded to define a double layer vertical flange 36 while the outer sections are folded about lateral fold lines 31', to form the double layer horizontal flange 37 which is wider than the vertical flange 36. The layers of the horizontal flange are provided with slots 39 and/or holes 39' extending parallel to the fold line 31' at a distance corresponding to the width of the hook so as to receive the free end J or J' of a hook with the main part thereof extending along the vertical flange of the bar, as clearly shown in FIGURE 6. Col. 2, line 72 through Col. 3, line 23.

Nathanson discloses a spacing device A preferably comprising an elongated body portion 10 having a plurality of apertures 11 which extend through and are longitudinally spaced along body portion 10. A plurality of slits 12 may be provided in body portion 10, one slit for each aperture 11, each such slit extending from an exterior edge 13 of body portion 10 to communication with an aperture 11. Col. 1, line 71 through Col. 2, line 5. Clothing hangers B are normally received by spacing device A by insertion of the neck 17 of the hanger through a slit 12, and into an aperture 11, as shown in the extreme left hand side of FIG. 3. Col. 2, lines 23-27.

Amended Claim 1 is patentable by calling for a lightweight hanger spacer for use with a plurality of hangers having respective necks comprising a unitary body of a single layer of material selected from the group consisting of cardboard and plastic extending along a longitudinal axis, the body having opposite first and second surfaces and being free of folds, the body being provided with a plurality of longitudinally spaced-apart circumferentially-closed holes extending through the single layer of material between the opposite first and second surfaces adapted for slidably receiving the respective necks of the plurality of hangers whereby the spacing of the hangers by the body inhibits wrinkling of garments carried by the hangers.

Neither Richer '160 nor Richer '460 disclose a hanger spacer of the type set forth in Claim 1 having, among other things, a unitary body of a single layer of material selected from the group consisting of cardboard and plastic extending along a longitudinal axis, the body having opposite first and second surfaces and being free of folds. Webster's Ninth New Collegiate Dictionary defines the noun "fold" to include a part doubled or laid over on another part. As discussed above, both Richer '160 and Richer '460 disclose a suspension means that is

folded. Accordingly, Richer '160 and Richer '460 teach away from the combination of Claim 1 by disclosing two layers of material with holes extending therethrough. The spacer of the present invention does not require two layers of material because the spacer is not required to support the hangers used therewith. Instead, the hangers support the spacer of the present invention.

Claims 2-6, 8, 37 and new Claim 41 depend from Claim 1 and are patentable for the same reasons as Claim 1 and by reason of the additional limitations called for therein.

Independent Claim 11 has been amended in a manner similar to Claim 1 and is patentable for the same reasons discussed above with respect to Claim 1. Claims 12-18 and 38 depend from Claim 11 and are patentable for the same reasons as Claim 11 and by reason of the additional limitations called for therein.

Amended independent Claim 25 is patentable by calling for an assembly comprising a plurality of hangers having respective necks, a plurality of garments respectively carried by the plurality of hangers, a unitary spacer extending along a longitudinal axis, the spacer having opposite first and second surfaces and being provided with a plurality of longitudinally spaced-apart circumferentially-closed holes extending between the opposite first and second surfaces for slidably receiving the respective necks of the plurality of hangers, the spacer resting on at least some of the garments and hangers so as to be carried by at least some of the garments and hangers whereby the spacing of the hangers by the spacer inhibits wrinkling of the garments.

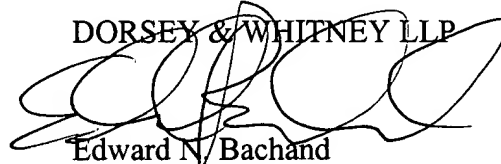
Nathanson does not disclose an assembly of the type called for in Claim 25 having, among other things, a unitary spacer extending along a longitudinal axis, the spacer having opposite first and second surfaces and being provided with a plurality of longitudinally spaced-apart circumferentially-closed holes extending between the opposite first and second surfaces for slidably receiving the respective necks of the plurality of hangers. On the contrary, apertures 11 in the hanger spacing device disclosed by Nathanson are not circumferentially closed, but instead are connected to respective slits 12 and thus not closed. The circumferentially-closed holes called for in Claim 25 serve to inhibit the hangers from slipping out of the spacer, particularly when the hooks of the hangers are grasped for transporting the assembly.

Claims 26-30, 39 and 40 depend from Claim 25 and are patentable for the same reasons as Claim 25 and by reason of the additional limitations called for therein.

In view of the foregoing, it is respectfully submitted that the claims of record are allowable and that the application should be passed to issue. Should the Examiner believe that the application is not in a condition for allowance and that a telephone interview would help further prosecution of this case, the Examiner is requested to contact the undersigned attorney at the phone number below.

Respectfully submitted,

DORSEY & WHITNEY LLP



Edward N. Bachand  
Reg. No. 37,085

DORSEY & WHITNEY LLP  
Suite 3400, Four Embarcadero Center  
San Francisco, CA 94111-4187  
Telephone: (650) 494-8700  
1079766